

REGULAR WEEKLY SESSION----ROANOKE CITY COUNCIL

February 17, 2004

2:00 p.m.

The Council of the City of Roanoke met in regular session on Tuesday, February 17, 2004, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36414-070703 adopted by Council on Monday, July 7, 2003.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., C. Nelson Harris, Linda F. Wyatt (arrived late), William D. Bestpitch, and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by The Reverend Shadrach Brown, Jr., Pastor, Garden of Prayer No. 7 Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to two requests for Closed Session.

MINUTES: Minutes of the regular meeting of Council held on Monday, November 17, 2003, and recessed until Friday, November 21, 2003; the Special Meeting held on Tuesday, November 25, 2003; the regular meeting held on Monday, December 1, 2003; the regular meeting held on Monday, December 15, 2003, and the regular meeting held on Monday, January 5, 2004, were before the body.

Mr. Cutler moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-PENSION: A communication from D. Duane Dixon tendering his resignation as a member of the Board of Trustees, City of Roanoke Pension Plan, effective February 2, 2004, was before the Council.

Mr. Cutler moved that the resignation be accepted. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-INDUSTRIES: A report of qualification of Linda D. Frith and Allen D. Williams as Directors of the Industrial Development Authority, was before Council.

Mr. Cutler moved that the report of qualification be received and filed. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-CITY COUNCIL-CITY PROPERTY: A communication from the City Manger requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

ROANOKE ARTS COMMISSION: Mark C. McConnel, Chair, Roanoke Arts Commission, presented an update on the public arts planning process.

He advised that:

- **The arts contributed \$849 million in revenues for Virginia businesses, plus \$342 million in revenues for Virginia tourism businesses, through spending by out-of-state visitors.**
- **In 1999 alone, \$324,717.00 in admissions and payroll taxes were paid in the City of Roanoke by arts organizations.**
- **In 1999, a Virginia Tech study concluded that the net total direct output of the arts in Roanoke was \$15 million, with an extended effect of \$24.2 million.**
- **An initiative is already in place for the Percent for Arts Program.**
- **One per cent of the capital projects budget, except sidewalks and sewers, is allocated for public art.**
- **Funding for arts is tied directly to the physical growth of the City.**
- **Well coordinated guidelines are now in place for program implementation.**
- **Art, which is tied to the Public Arts Plan, was requested by Council.**
- **In establishing plan design for the Public Arts Plan, the Arts Commission researched and evaluated 25 existing public arts plans from cities similar to Roanoke; interviewed over 12 City leaders to determine the best methodology for the study, met with staff of the Parks and Recreation Department to review their study process, solicited input from planning specialists, involved public groups, reviewed placement of art in all areas of the City, topological diversity,**

creation of exterior spaces for performance art, identified additional sources for funding - leverage City funds, adjunct to the Comprehensive City Vision Plan, maximize economic development impact, and public consensus.

Mr. McConnell stated that the following are needed to create a Public Arts Plan for arts in the City of Roanoke:

- Disperse allocation, of approximately \$60,000.00 to fund the study.
- Secure the services of an Arts Planning Specialist.
- Employ one staff person for nine months (maximum).
- Intense public and Council involvement.

Council Member Cutler inquired about the potential impact of using \$60,000.00 from the Percent for Arts Program for the study, and the status of art in general in City buildings.

Mr. McConnell responded that establishing a Public Art Plan that the entire City and all of its neighborhoods and public bodies can buy into is worth more than individual pieces of public art. He advised that a public art plan is a way to demonstrate to corporate sponsors and to matching grant entities the City's direction in regard to public art which will mean even more public art for the City of Roanoke over the long term.

Question was raised as to whether the Roanoke Arts Commission would like to have a member of the City staff assigned as liaison to the Commission; whereupon, Mr. McConnell advised that the Public Art Plan will direct whether there will be a continuing relationship, and a review of how the public art component of the City of Roanoke interfaces with City staff will determine where the connection is needed, whether it be in the Parks and Recreation Department, or the City Planning Department, or the City Manager's Office, etc.

Council Member Cutler encouraged that the study encompass a band shell in downtown Roanoke for regular band concerts.

Council Member Fitzpatrick moved that Council authorize the expenditure of up to \$60,000.00 from the Percent for Arts allocation for development of a Public Art Plan. The motion was seconded by Mr. Cutler.

Council Member Wyatt expressed concern with regard to a commission or adjunct to City government hiring its own employee(s), and the position of the City of Roanoke in that type of relationship; whereupon, Mr. McConnell advised that the individual would be a contract employee for nine months, and the art plan will require periodic updates which will not require staff.

Ms. Wyatt expressed further concern that certain contractual questions need to be answered by the City Manager before she could vote to allocate \$60,000.00 for a Public Art Plan.

Council Member Bestpitch also advised that input by City staff is needed before he could vote to approve the expenditure of up to \$60,000.00 for the Public Art study. He suggested a study of exterior spaces for performing art and referenced the ability to terrace Elmwood Park. He stated that a natural amphitheater currently exists, but the experience of attending activities in Elmwood Park would be enhanced considerably in a level area, staggered at varying intervals to fit in with the park's natural contour.

Vice-Mayor Harris advised that Council could approve the request of the Roanoke Arts Commission for allocation of up to \$60,000.00 in concept, and after the necessary details have been worked out, the City Manager could submit the appropriate measure to Council for consideration and adoption.

Mr. Fitzpatrick amended his motion to provide that the allocation of up to \$60,000.00 for a Public Art Plan will be subject to report by the City Manager. Mr. Cutler concurred in the amendment to the motion.

The motion, as amended, was unanimously adopted.

ROANOKE CIVIC CENTER-HOCKEY: Ms. Christy Lovelace appeared before Council as a citizen of the City of Roanoke and a fan of the Roanoke Express hockey team. She spoke in regard to keeping the Roanoke Express in the Roanoke Valley for at least another three years and presented a petition of support signed by citizens of the City of Roanoke and surrounding areas. She called attention to a number of citizens and businesses who have committed to purchasing season tickets for the 2004-05 season, or sponsoring the Roanoke Express at \$1,500.00 or more.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS:

INDUSTRIES-RIVERSIDE CENTRE: The Mayor announced that a update on the Riverside Centre for Research and Technology would be held at the conclusion of the Council meeting.

ITEMS RECOMMENDED FOR ACTION:

CITY CODE-EROSION/SEDIMENT CONTROL-WATER RESOURCES: The City Manager submitted a communication advising that in late 2003, the Department of Conservation and Recreation (DCR) of the Commonwealth of Virginia undertook an audit of the City's Erosion and Sediment Control and Stormwater Regulations and Programs; the audit is undertaken of all localities in the Commonwealth of Virginia on an ongoing basis; as a part of the review, various components of the City's existing Erosion and Sediment Control regulations and Stormwater regulations were requested by DCR to be updated to more closely reflect recent changes in the State Code; and the recommended changes to the City Code will enable City Code provisions to be in concert with specific language as contained in State regulations.

It was further advised that revisions to the Erosion and Sediment Control Ordinance as proposed for adoption will affect Sections 11.1-5 and 11.1-6; as is the City's current policy, the name of the responsible land disturber to be identified prior to any land disturbing activities will be required; and with regard to construction of single family residences, a responsible land disturber must be named if a violation occurs, and utilities such as gas, electric, and telephone are required to file general erosion and sediment control plans directly with the State.

It was explained that revisions to the Stormwater Management Ordinance as proposed for adoption provide verbiage recommended by DCR to clarify the existing ordinance; the affected sections are 11.2-8, 11.2-9 and 11.2-10; clarification for runoff calculations of pre-development conditions will be incorporated; the Virginia Stormwater Handbook and Virginia Stormwater Law and Regulations are referenced directly in connection with Roanoke's water quality recommendations; and outfalls not only need to have adequate channels, but the use of any velocity dissipaters will be required as necessary.

The City Manager recommended that Council adopt ordinances amending the Erosion and Sediment Control and Stormwater Management Ordinances, Chapter 11.1 and 11.2 of the Code of the City of Roanoke (1979).

Mr. Cutler offered the following ordinance:

(#36617-021704) **AN ORDINANCE** amending and reordaining §11.1-5, Land disturbing permit requirements, and §11.1-6, Erosion and sediment control plan, of Chapter 11.1, Erosion and Sediment Control, of the Code of the City of Roanoke (1979), as amended, to conform the City Code with State requirements; and dispensing with the second reading by title of this ordinance.
(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Cutler moved the adoption of Ordinance No. 36617-021704. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Cutler offered the following ordinance:

(#36618-021704) AN ORDINANCE amending and reordaining §11.2-8, Quantity control Generally, §11.2-9, Same Volume, and §11.2-10, General criteria, of Article II, Technical Criteria, of Chapter 11.2, Stormwater Management, of the Code of the City of Roanoke (1979), as amended, to conform the City Code with State requirements; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Cutler moved the adoption of Ordinance No. 36618-021704. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

NEWSPAPERS-STREETS AND ALLEYS: The City Manager submitted a communication advising that on November 5, 2001, Ordinance No. 35640-110501 was adopted by Council permanently vacating a small portion of Salem Avenue, S.W., and the ordinance took effect ten days thereafter; as a condition of the ordinance, the petitioner (The Times-World Corporation) was required to prepare and record a subdivision plat showing the vacated portion of the street and the combination of the small portion of Salem Avenue with the adjoining parcels; the ordinance required that the plat be prepared and recorded within a period of 12 months and if the ordinance was not recorded within a period of 12 months, the measure would become null and void.

It was further advised that the applicant, The Times-World Corporation, by its attorney Daniel F. Layman, Jr., has advised that payment was made for the portion of the street that was closed, however, a plat of subdivision has not been prepared and recorded incorporating the closed street portion into the adjoining lot; therefore Mr. Layman has prepared and filed an application requesting that Ordinance No. 35640-110501 be re-enacted and amended to allow 36 months for completion and recordation of the subdivision plat.

The City Manager recommended that Council reenact and amend Ordinance No. 35640-110501, with the condition that the period of time required for satisfaction of the conditions will be revised from 12 to 36 months.

Mr. Fitzpatrick offered the following ordinance:

(#36619-021704) AN ORDINANCE amending and reordaining Ordinance No. 35640-110501; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36619-021704. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

LEASES-PARKING FACILITIES: The City Manager submitted a communication advising that on May 1, 1984, the City entered into a Parking Lease Agreement with 111 Franklin Road Joint Venture to lease 250 parking spaces in the Williamson Road Parking Garage, 201 Tazewell Avenue; in October 1997, the agreement was assigned to Crown Roanoke L.L.C., by Assignment and Assumption of Leases and Guarantees in connection with Crown Roanoke's purchase of the property located 111 Franklin Road; effective May 1, 2003, Crown Roanoke has requested an amendment to the Agreement to allow a reduction in the number of parking spaces from 250 to 196; and the term of the Agreement expires on June 30, 2006, but the agreement is subject to two successive ten year automatic extensions, unless Crown Roanoke notifies the City that it does not intend to extend the Agreement.

It was further advised that the reduction of 54 parking spaces will be a permanent reduction to allow the City to provide the spaces to other customers; as of May 1, 2003, the 54 spaces have been allocated to other customers; the 196 spaces, which will remain under lease to Crown Roanoke, shall be paid for by Crown Roanoke at \$65.00 per month and such rates shall be subject to further market adjustment as set forth in the original Agreement.

The City Manager recommended that she be authorized to enter into a First Amendment to the Parking Lease Agreement between the City and Crown Roanoke L.L.C., effective retroactive to May 1, 2003, to permanently reduce the number of parking spaces being provided in the Agreement from 250 to 196 and to further authorize the City Manager to take such additional action and to execute such further documents as may be reasonably necessary to provide for implementation and administration of the Amendment and Agreement.

Mr. Cutler offered the following ordinance:

(#36620-021704) AN ORDINANCE authorizing an amendment of a parking lease agreement between the City of Roanoke and Crown Roanoke L.L.C.; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Cutler moved the adoption of Ordinance No. 36620-021704. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-REFUSE COLLECTION: The City Manager submitted a communication advising that over 5,500 citizens of the Roanoke Valley have brought their hazardous household waste to six events that the City of Roanoke has coordinated since April 2000; the first five of these events were funded predominately from the capital accounts which resulted from the Consent Order with the Virginia Department of Environmental Quality and the Plan Agreement with the U. S. Environmental Protection Agency; however, the most recent event conducted in September 2003 was preformed on regional basis to fulfill a requirement of each jurisdiction's Virginia Pollutant Discharge Elimination System (VPDES) Stormwater Quality Improvement Program; and the neighboring jurisdictions provided both staff and financial resources for the September 2003 event which totaled over \$78,000.00.

The following is a breakdown of each jurisdiction's monetary commitment to the September 2003 Household Hazardous Waste Collection Day:

Salem	\$ 3,373.00	008-660-9783-9794
Roanoke County	\$19,650.00	008-660-9783-9793
Vinton	\$ 1,088.00	008-660-9783-9796
Botetourt County	\$ 4,177.00	008-660-9783-9797
	<u>\$28,288.00</u>	

The City Manager recommended Council appropriate revenue totaling \$28,288.00 representing revenues received from other jurisdictions as above described, and appropriate same to Household Hazardous Waste Day, Account No. 008-660-9783-8999, in the Capital Projects Fund.

Mr. Dowe offered the following ordinance:

(#36621-021704) AN ORDINANCE to establish revenue estimates and to appropriate funding for the September 2003 Household Hazardous Waste Collection Day, amending and reordaining certain sections of the 2003-2004 Capital Projects Fund Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36621-021704. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

ENVIRONMENTAL POLICY: The City Manager submitted a communication advising that the U. S. Environmental Protection Agency (EPA) has determined that levels of ozone in the Roanoke Valley area sometimes exceed acceptable limits by a small margin; over the last five years, the number of days the acceptable ozone limit has been exceeded has averaged four days each summer; in 2002, local governments in the Roanoke Valley areas, through the Roanoke Valley Area Metropolitan Planning Organization (MPO), entered into an Early Action Compact (EAC) with the EPA; the Compact allowed the Roanoke Valley area, in conjunction with the Virginia Department of Environmental Quality (VDEQ) and the EPA, to develop an Ozone Early Action Plan (EAP) to reduce excessive ozone levels by 2007; and Council approved participation in the EAC pursuant to Resolution No. 36186-121602.

It was further advised that since the Compact, the MPO has coordinated development of the EAP with representatives of participants in the Plan, including the City of Roanoke; and strategies in the EAP for local implementation concentrate on three general targets: heavy duty diesel equipment, lawn and garden equipment, and other assorted action including public education and specific actions on high ozone days.

It was explained that the EAP includes actions and obligations the City of Roanoke will be responsible for implementing and will become Federally enforceable by the EPA and VDEQ; the City of Roanoke is committed to or intends to implement the strategies and actions it is mandated by the EAP to perform, such as replacing trucks with efficient ethanol-compatible vehicles, instituting a system of greenways and bicycle lanes, increasing the tree canopy and instituting Valley Metro service to Blacksburg; other measures will be administrative, i.e.: refueling vehicles in early mornings or late afternoons, or restricting mowing on high ozone

days; and the EAP's strategies and obligations, which will need to be continued until at least 2012 under the EAP, are not expected to require identifiable incremental costs to the City.

It was further explained that having an approved EAP allows the area to develop and pursue its own strategies to effectively address high ozone levels by 2007; the alternative to an Early Action Plan is for the Environmental Protection Agency to designate formally the area as a "non-attainment area" and mandate significant actions and prohibition on activities in the Roanoke Valley in order to attain required standards by 2009; EPA monitoring would then continue for another 20 years; and this course of action would give much less local control and would be much more burdensome to the public and to private sectors for a much longer period of time.

The City Manager advised that the Metropolitan Planning Organization adopted the EAP on January 22, 2004; all parties to the Compact, including the City of Roanoke, are requested to adopt the Plan in time to submit same to VDEQ and EPA in March; Roanoke County and the Town of Vinton have already adopted the Plan; the intention is to begin implementation of strategies in 2004 in order to enhance effectiveness in ozone reduction in 2005; and EAP strategies generally are consistent with policies and plans of the City of Roanoke and are not expected to incur additional identifiable costs.

The City Manager recommended that Council adopt and endorse the Roanoke Valley Area Ozone Early Action Plan (EAP) which will be in a form substantially similar to the EAP adopted by the Metropolitan Planning Organization, and that the City Manager be authorized to take such actions and to execute such documents as may be necessary for implementation and administration of the Ozone Early Action Plan, including any modifications to the Plan.

Mr. Cutler offered the following resolution:

(#36622-021704) A RESOLUTION endorsing and adopting the Ozone Early Action Plan for the Roanoke Valley Area.

(For full text of resolution, see Resolution Book No. 68.)

Mr. Cutler moved the adoption of Resolution No. 36622-021704. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

REPORTS OF COMMITTEES:

COMMUNITY PLANNING: The City Planning Commission submitted its 2003 Annual Report.

It was advised that last year, the Planning Commission officially met 15 times to consider the following:

- 21 requests to rezone property or amend proffered conditions
- 12 street and/or alley closure requests
- 9 amendments to the City's zoning ordinance
- 7 amendments to the Comprehensive Plan (Hurt Park/Mountain View/West End, Norwich, Wasena, Morningside/Kenwood, Riverdale, Gainsboro, Harrison/Washington Park, and Urban Forestry)

It was further advised that the major work effort of the Planning Commission and staff last year centered on the review and adoption of neighborhood plans and the development of a new zoning ordinance for the City of Roanoke; and it is anticipated that the following neighborhood plans will be initiated and approved during 2004: Williamson Road Area Plan, Riverland/Walnut Hills, Villa Heights, Grandin Court, and the Franklin/Colonial Corridor Plan.

It was explained that the Planning Commission's major goal for 2004 is the same as 2003 -- the adoption of a new Zoning Ordinance, which was last revised in 1987; the Planning Commission will continue to monitor progress in implementing initiatives and strategies as set forth in Vision 2001-2020; City Planning Commission members are particularly interested in working to pursue initiatives related to new housing development, village centers, redevelopment of underutilized commercial and industrial areas, and integration of City design principles for new development.

There being no questions or comments, without objection by Council, the Mayor advised that the City Planning Commission's 2003 Annual Report would be received and filed.

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting appropriation of \$4,178.00, for the Expanded GED Testing Service program, was before Council.

It was advised that the funds will be used to operate a satellite GED test center at the Virginia Employment Commission and to expand testing services, with 100 per cent of the program to be reimbursed by State funds.

The Director of Finance submitted a report recommending that Council concur in the request of the School Board.

Mr. Fitzpatrick offered the following ordinance:

(#36623-021704) AN ORDINANCE to appropriate funding for GED Testing Services supported by a State grant, amending and reordaining certain sections of the 2003-2004 School Fund Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36623-021704. The motion was seconded by Mr. Harris.

The Mayor requested an update on the GED Program; whereupon, Kenneth F. Mundy, Director of Fiscal Services, Roanoke City Public Schools, advised that the information will be forthcoming.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that the School Board is requesting a \$4,178.00 appropriation by Council because the School Board has no authority to appropriate funds, therefore, how can City Council, or the City administration, ask the School Board to fund over \$200,000.00 for artificial turf for the proposed new stadium/amphitheater. She stated that the citizens of Roanoke should be given an explanation regarding the turf surface issue, total cost, etc.

Council Member Wyatt advised that artificial turf came about at the recommendation of athletic directors from the two high schools as a result of looking at different types of surface turf, and Council is attempting to be responsive to the recommendation of the athletic directors on behalf of Roanoke's students.

Council Member Bestpitch clarified that the \$4,178.00 represents State funds, and since the School Board has no authority to appropriate funds, the matter was submitted to Council for appropriation of the \$4,178.00.

Ordinance No. 36623-021704 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR, VICE-MAYOR AND MEMBERS OF CITY COUNCIL:

ARMORY/STADIUM: Council Member Wyatt advised that it is the responsibility of Council to listen to the voice of Roanoke's citizens, and the citizens of Roanoke spoke clearly at the Democratic "Firehouse" Primary which was held on Saturday, February 7, 2004; therefore, she stated that it behooves Council to place on hold any plans for construction of a stadium/amphitheater at the Orange Avenue/Williamson Road site to allow the incoming Council, which takes office on July 1, 2004, to address the issue. She stated that advocates of saving Victory Stadium should be given the opportunity to offer a proposal that will renovate the 25,000 seat facility at a cost of \$10 million, or less, which is the figure that proponents of saving Victory Stadium have quoted on several occasions in the past.

Ms. Wyatt moved that Council place on hold the construction of a new stadium/amphitheater at Orange Avenue/Williamson Road to allow the incoming Council, effective July 1, 2004, the opportunity to address the issue. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt and Mayor Smith-----4.

NAYS: Council Members Cutler, Dowe and Bestpitch-----3.

Ms. Wyatt advised that the intent of her motion is that Victory Stadium will be considered for renovation as a 25,000 seat facility, at a cost of \$10 million or less.

Discussion took place in regard to whether the intent of Ms. Wyatt's motion could, procedurally, be included in the formal motion that was adopted by Council; whereupon, the Mayor ruled that the motion, which was offered by Ms. Wyatt and adopted by Council, provides that the stadium/amphitheater construction project will be placed on hold to allow the incoming Council as of July 1, 2004, to address the issue.

Ms. Wyatt moved that Victory Stadium be considered for renovation as a 25,000 seat facility, at a cost of \$10 million or less.

The Mayor invited citizens who wished to speak to the issue to register with the City Clerk's Office during a brief recess.

At 3:15 p.m., the Mayor declared the Council meeting in recess.

At 3:30 p.m., the Council meeting reconvened, with Mayor Smith presiding and all Members of the Council in attendance.

The Mayor advised that no persons had registered to speak during the recess.

Ms. Wyatt advised that after due consideration, she would withdraw her motion for consideration of the renovation of Victory Stadium as a 25,000 seat facility at a cost of \$10 million or less. She stated that the intent of her motion is clear inasmuch as those were the conditions set forth by numerous persons when they asked citizens to sign petitions in favor of saving Victory Stadium. She advised that the proponents of Victory Stadium should be held to their word and be accountable for their actions.

Vice-Mayor Harris advised that the action taken by Council stops discussion with the low bidder relative to construction of the stadium/amphitheater project on Orange Avenue/Williamson Road until the new Council is seated on July 1, 2004. He expressed appreciation to Ms. Wyatt for making the motion because the stadium/amphitheater project represents a high dollar item, it is an issue that is of concern to the entire community, and inasmuch as the municipal election will be held in approximately 75 days, it is appropriate to allow the incoming Council that will be seated on July 1, 2004, to have input.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

COMPLAINTS: Dr. E. Jeanette Manns, 1826 10th Street, N. W., expressed concern with regard to a vehicle that was towed from the yard of her private residence under provisions of the City's inoperable motor vehicle ordinance. She advised that her constitutional rights as a low/moderate income citizen have been violated.

ARMORY/STADIUM: Mr. Brian J. Wishneff, 2913 Wycliffe Avenue, S. W., expressed appreciation to Ms. Wyatt for making the motion to place on hold the stadium/amphitheater project until the new Council is seated on July 1, 2004. He stated that he was one of the proponents who quoted the figure of \$10 million to renovate Victory Stadium, and, if elected to Council, he will continue to advocate a \$10 million renovation of Victory Stadium.

Mr. Sherman Lea, 1638 Lonna Drive, N. W., expressed appreciation to Ms. Wyatt for making the motion and to the members of Council who supported the motion to allow the stadium/amphitheater project to be deferred until the new Council takes office on July 1, 2004.

Mr. E. Duane Howard, 508B Walnut Avenue, S. W., expressed appreciation to Ms. Wyatt for making the motion to hold in abeyance the construction of a new stadium/amphitheater until the new Council is seated on July 1, 2004. He referred to the importance of elected officials listening to the wishes of the citizens of Roanoke, and advised that over 7000 signatures were submitted on a petition in support of saving Victory Stadium, but it took only 2000 citizens to cast their vote at the Democratic "Firehouse" Primary on Saturday, February 7, 2004, to make a difference. He stated that there should be no set dollar amount when it comes to saving Victory Stadium; Victory Stadium should be looked at like a loved one who is on life support – the family wants to save the loved one if possible, but there may come a time when it is necessary to let the loved one go. He requested that the City engage the services of the best structural engineer that money can buy to render an unbiased opinion and based upon that opinion, a decision should be made on the fate of Victory Stadium.

CITY MANAGER COMMENTS:

ROANOKE CIVIC CENTER: The City Manager advised that in response to recent remarks by a citizen indicating that there were only a "hand full" of events scheduled at the Roanoke Civic Center during the month of February, she reported that 24 events are scheduled in February, ten of which represent the Roanoke Express and the Roanoke Dazzle, and 28 events are scheduled in the month of March. She stated that the Civic Center is alive and well and is an active facility.

At 3:45 p.m., the Mayor declared the Council meeting in recess to be immediately reconvened in the Council's Conference Room, for a briefing on the Riverside Centre for Research and Technology.

The Council meeting reconvened in the Council's Conference Room at 3:50 p.m.

INDUSTRIES-RIVERSIDE CENTRE: The City Manager welcomed Dr. Edward Murphy, CEO, Carilion Medical Center, and representatives of the Carilion Bio Medical Institute and Hayes, Seay, Mattern and Mattern. She advised that approximately four years ago, the City of Roanoke executed a performance agreement with Carilion Medical Center and the Bio Medical Institute for redevelopment of a significant portion of the area that is bordered by Reserve Avenue, Jefferson Street and Franklin Road, S. W., and she was pleased to introduce an update on the progress of activity in which the City has worked as a partner with the Roanoke Redevelopment and Housing Authority to acquire all of the property, with one exception, in Phase I and Phase IA. She advised that the

project has proceeded to the point of unveiling the master plan for Phase I and development of Phase I under terms of the performance agreement which is the responsibility of Carilion. She added that the briefing will also include plans for the first building to occupy the site; the project is on schedule in keeping with the original time frame anticipating that it will be several years before all property is acquired, demolished and occupants relocated to other sites, and the original schedule calls for the Bio Medical Institute to physically occupy the site by June or July 2005. She called attention to the need for minor revisions to the performance agreement.

Dr. Murphy advised that part of Carilion's responsibility to the project is completion of the master facility plans for the site. He introduced Briggs Andrews, Attorney; Curtis Mills, Project Manager; Daniel Barchi, President, Carilion Bio Medical Institute; and Steve Garrett and Mike Brennan representing Hayes, Mattern and Mattern, to present schematic designs for the rendering of the first building to be constructed. He asked that Council remain flexible in regard to building design elements because this far out from occupancy, it is difficult to obtain space commitments. He advised that the Bio Medical Institute office will be located in the first building.

Mr. Brennan advised that:

- The point of departure for the Carilion development plan is the South Jefferson Redevelopment Plan, which was presented to Council for approval by the Roanoke Redevelopment and Housing Authority some time ago, and is comprised of elements with over arching regulations for land use dealing with diversity and building replacement to ensure an urban fabric to development of 70 acres of land, such as landscape treatment, parking, utilities, etc.
- Another component is design guidelines that adhere more to the three distinct districts within the redevelopment area; viz: the Jefferson Street corridor, areas known as the crossing, and the focal point of the entire development which is the campus.
- Another set of guidelines that are even more specific address the architectural design and development of the buildings within the campus, and specifically place the building around the central enclave, or green space, in order to obtain the identity of a campus and to share space in a common area.
- Buildings are arranged so as to create an urban edge to the campus as they present themselves to Jefferson Street and Reserve Avenue.

- Seven buildings in all will house a variety of uses, and buildings at the perimeter of the site are four stories high ranging in the neighborhood of 100,000 - 150,000 square feet.
- The site still remains in the flood plain and will be elevated out of the ten year flood plain in order to mitigate some flooding problems.
- The interior of the site has two taller buildings, with eight levels of approximately 200,000 square feet capacity each.
- A parking deck will provide parking as new buildings are constructed.
- The focal point of the campus is the central enclave, or green space, which is an elevated pedestrian plaza located at the first occupied level of all of the floors that creates an opportunity for informal gathering and interaction among occupants and provides a sense of community.
- Phase I buildings will be located at the extension of Whitmore Street at Jefferson Street, Phases 2, 3 and 4 work their way to the west to create the edge along Jefferson Street and Reserve Avenue, and Phase 5 buildings will be located in the South Jefferson/Reserve Avenue area.
- During implementation of initial phases, a significant gesture will be made toward creating a green space, a boulevard will be provided for internal vehicle circulation, landscaped with trees, and a decorative pavement that announces the entrance way and pathways.
- Buildings have communication at the ground level with the sidewalk at the street for integration into the urban fabric of the area.
- As future buildings displace parking, there will be a need for structure parking.
- Most of the land acquisition has been completed, and a parcel of land is held private that the owner would like to maintain for a development opportunity.
- Phase I building at the intersection of Whitmore Street is approximately a 25,000 square foot footprint at ground level, and parking consisting of approximately 325 spaces is located adjacent to the building.
- The actual area of development is larger than is needed in order to accommodate storm water management requirements, and storm water management for the entire development will be addressed through a future storm water detention pond near the hotel.

- Preliminary sketches were presented of the exterior elevation.
- The buildings represent prescriptive guidelines of the master plan – the master plan requires that the buildings at Jefferson Street and Reserve Avenue maintain a character that is in keeping with existing architecture in the area.
- The master plan anticipates an opportunity to create differing identities as the buildings present themselves in the enclave and to be more expressive of their technique.
- In anticipation of an elevated enclave, the buildings are required to have inclusion of an element that anticipates front entry.

Council Member Cutler advised that unless parking, restaurants and other kinds of amenities are provided that will appeal to employees at lunch time and breaks, etc., there will not be a reason to go toward Jefferson Street or Reserve Avenue because ultimately, most of the activity provided by the complex will be internal to the facility. He stated that the challenge to the City is to ensure that whatever takes place between Reserve Avenue and the river at Jefferson Street and Franklin Road is attractive enough to compliment what is being done on the other side of Reserve Avenue and cause the area to be an attractive place for use by employees of the complex. He encouraged implementation of as many innovative storm water management opportunities as possible, such as rain gardens and other water features, etc.

Council Member Fitzpatrick advised that he prefers the design that faces in, and the issue that is not addressed in the elevation drawing is the treatment of Jefferson Street which is the most important access point. He called attention to continuing discussions with regard to the operation of a street car to connect the hospital with downtown Roanoke and Carilion's downtown complex. He requested that consideration be given to a wider space between Jefferson Street and the start of the building, lighting, and certain other pedestrian amenities.

Dr. Murphy pointed out that Mr. Fitzpatrick raised some fair and valid points; however, he asked that Council look at the design in terms of schematics. He advised that the project is in its early stages and Carilion would use the input of Council and City staff to prepare a design that is pleasing. He stated that although curb appeal is important, the project will work only if third parties occupy the building; Carilion is committed to proceeding with the project and wishes to work with the City; it is necessary to effect the transfer of the initial site in order to proceed with the first building that require acquisition of all of the properties; and there have been discussions with regard to accelerating the purchase of Site A to help with the cash flow question for the remainder of acquisition. He expressed support in regard to whatever decision is made so long as the decision is timely and within the constraints of the performance agreement.

The City Manager advised that design guidelines can be revisited, if necessary; the first building will set the standard for what will ultimately happen; Carilion has committed to the development of the entire Phase I as shown on the master plan which does not necessarily mean that Carilion will build or occupy all of the buildings, but Carilion is responsible for ensuring that development takes place; and other parties may actually construct buildings and establish businesses, but it is important that the design follow whatever character is initiated with the first building. She called attention to the need to acquire the last piece of property which will, in large measure, determine the time line because the sooner the property is available, the more quickly Carilion will be able to reach a more final design of the building and provide a timetable for occupancy. She advised that the Bio Medical Institute will be one of the tenants of the first building which is a component of the original performance agreement.

The City Manager advised that with the concurrence of Council, City staff will prepare the necessary documents and required public hearing advertisements, etc., to move forward with a modification of the performance agreement that will accelerate the time line through which Carilion will purchase all of the properties through the Roanoke Redevelopment and Housing Authority.

By consensus, the Council concurred in the City Manager's remarks.

At 4:45 p.m., the Council convened in Closed Session in the Council's Conference Room.

At 5:15 p.m., the Council meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, Mayor Smith presiding.

COUNCIL: Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

At 5:18 p.m., the Council meeting was declared in recess until 7:00 p.m., in the Council Chamber.

At 7:00 p.m., on Tuesday, February 17, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with prayer by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.

PUBLIC HEARINGS:

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, February 17, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request to rezone a tract of land located at 739 Townside Road, S. W., containing 3.77 acres, more or less, identified as Official Tax No. 5490307, from C-2, General Commercial District, and C-2, General Commercial District, with conditions, to LM, Light Manufacturing District, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, January 30, 2004 and Friday, February 6, 2004.

The City Planning Commission submitted a written report advising that the petitioner requests the rezoning of the subject parcel to LM, Light Manufacturing District, for the purpose of developing mini-warehouses as a use by right.

The Planning Commission recommended that Council approve the request for rezoning, as amended.

Mr. Dowe offered the following ordinance:

(#36624-021704) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 549, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36624-021704. The motion was seconded by Mr. Cutler.

Keith Hummer appeared before Council as spokesperson for the petitioner.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36624-021704 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, February 17, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of LSW-HMW Family Limited Partnership, to rezone a tract of land located at 622 Huntington Boulevard, N. E., containing 1.630 acre, more or less, identified as Official Tax No. 3280102, from CN, Neighborhood Commercial District, to LM, Light Manufacturing District, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, January 30, 2004, and Friday, February 6, 2004.

The City Planning Commission submitted a written report advising that the subject parcel of land consists of 1.630 acre and has 206 feet of frontage on Huntington Boulevard; and the purpose of the request for rezoning is to allow for continued use of the property in a manner for which the existing structure was designed and for which the structure has historically been used.

It was further advised that a Second Amended Petition was filed by the petitioner in which a mini-warehouse would be deleted as a permitted use on the subject property; and with appropriate use limitations and prohibition of outdoor storage, as contained in the Second Amended Petition for rezoning, the LM rezoning of the subject property is deemed appropriate.

The City Planning Commission recommended that Council approve the request for rezoning.

Mr. Dowe offered the following ordinance:

(#36625-021704) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 328, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36625-021704. The motion was seconded by Mr. Fitzpatrick.

Daniel F. Layman, Jr., Attorney, representing the petitioner, appeared before Council in support of the request of his client.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36625-021704 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

NEIGHBORHOOD ORGANIZATIONS-ROANOKE VISION, COMPREHENSIVE DEVELOPMENT PLAN: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, February 17, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposed amendment to Vision 2001-2020, the City's Comprehensive Plan, to include the Gilmer Neighborhood Plan, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, January 30, 2004 and in *The Roanoke Tribune* on Thursday, February 5, 2004.

The City Planning Commission submitted a written report advising that through the planning process, seven major issues were identified:

- Preserving neighborhood character
- Neighborhood appearance
- Providing jobs, goods, and services in the neighborhood
- Providing community facilities
- Industrial encroachment
- Numerous vacant lots
- Safety

In response to the issues, priority recommendations include:

- Implementing the Neighborhood Design District throughout the neighborhood; the Plan also provides architectural guidelines that can supplement NDD regulations.
- Developing and beautifying neighborhood gateways
- Providing for neighborhood commercial development
- Developing community centers and parks
- Implementing a future land use plan (and corresponding zoning patterns) to reduce industrial-residential conflicts.
- Continue development of appropriately designed infill housing.
- Implementing crime prevention activities.

The City Planning Commission recommended that Council adopt the Gilmer Neighborhood Plan as a component of Vision 2001-2020, the City's Comprehensive Plan.

Mr. Dowe offered the following ordinance:

(#36626-021704) AN ORDINANCE approving the Gilmer Neighborhood Plan, and amending Vision 2001-2020, the City's Comprehensive Plan, to include the Gilmer Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36626-021704. The motion was seconded by Mr. Cutler.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36626-021704 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Fitzpatrick advised that the report of the City Planning Commission indicates that City Planning staff worked with Hill Studio throughout the planning process to ensure consistency with Vision 2001-2020 and a consistent policy/action format; whereupon, he asked that the record reflect that his son is employed by Hill Studio.

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, February 17, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke that a 24-foot wide alley running in an easterly direction from Franklin Road, S. W., for a distance of approximately 129 feet and lying between parcels bearing Official Tax Nos. 1020304 and 1020310; and closure of a ten-foot wide alley running in a northerly direction from said 24-foot wide alley, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, January 30, 2004, and Friday, February 6, 2004.

The City Planning Commission submitted a written report advising that the petitioner requests closure and vacation of the two paper alleys to construct a facility for the Department of Fire/EMS; and the City of Roanoke owns all of the adjoining property.

The City Planning Commission recommended that Council approve the request to vacate, discontinue and close the subject alleys, subject to certain conditions as more fully described in the report.

Mr. Dowe offered the following ordinance:

(#36627-021704) AN ORDINANCE permanently vacating, discontinuing and closing a certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36627-021704. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

The being no discussion or comments by Council Members, Ordinance No. 36627-021704 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

SPECIAL PERMITS: Pursuant to action by the Council, the City Clerk having advertised a public hearing for Tuesday, February 17, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposed encroachment of an awning into the public right-of-way at 105 S. Jefferson Street, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, February 6, 2004.

The City Manager submitted a communication advising that Bridget B. and Hugh A. Meagher, owners of 105 S. Jefferson Street, have requested permission for a tenant (applicant) to install an awning that will create an encroachment into the public right-of-way of South Jefferson Street; the revocable encroachment will extend approximately 48 inches into the right-of-way of South Jefferson Street, at a height above the sidewalk of 8'9"; the right-of-way of Jefferson Street at this location is approximately 59 feet in width; and liability insurance and indemnification of the City by the applicant shall be provided, subject to approval of the City's Risk Manager.

The City Manager recommended that Council adopt an ordinance, to be executed by the property owners and recorded in the Clerk's Office of the Circuit Court for the City of Roanoke, granting a revocable license to Bridget B. and Hugh A. Meagher, property owners at 105 S. Jefferson Street, to allow installation of an awning encroaching into the right-of-way of South Jefferson Street.

Mr. Cutler offered the following ordinance:

(#36628-021704) AN ORDINANCE granting a revocable license to permit the encroachment of an awning at a minimum height above the sidewalk of eight feet (8') and nine inches (9"), extending approximately forty-eight inches (48") into the public right-of-way of South Jefferson Street, from property bearing Official Tax No. 1011124, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Cutler moved the adoption of Ordinance No. 36628-021704. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36628-021704 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

APPALACHIAN POWER COMPANY: Pursuant to action of the Council, the City Clerk having advertised a public hearing for Tuesday, February 17, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposed conveyance of a 20-foot wide easement to Appalachian Power Company across City-owned property located at the Roanoke Academy for Mathematics and Science, to provide underground electric service, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, February 6, 2004.

The City Manager submitted a communication advising that Appalachian Power Company has requested a 20-foot wide underground utility easement across City owned property identified as Official Tax Nos. 2340104 and 2340108 to extend an existing power line on the site to provide underground electric service to the facility.

The City Manager recommended, following the public hearing, that she be authorized to execute the appropriate documents granting the above described easement to Appalachian Power Company, to be approved as to form by the City Attorney.

Mr. Cutler offered the following ordinance:

(#36629-021704) AN ORDINANCE authorizing the granting of a twenty-foot wide easement for the extension of existing electric power service on City-owned property, identified by Official Tax Nos. 2340104 and 2340108, to Appalachian Power Company d/b/a American Electric Power ("AEP"), for the purpose of providing underground electric service to the Roanoke Academy for Mathematics and Science, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Cutler moved the adoption of Ordinance No. 36629-021704. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36629-021704 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

OTHER BUSINESS: NONE.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

TRAFFIC-SIDEWALKS/CURB AND GUTTER-COMPLAINTS: Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke with regard to traffic calming in the area of Masons Mill Road and Hollins Road, N. E., specifically during peak traffic hours; and repair of a City sidewalk (no location was provided).

He expressed appreciation to Ms. Wyatt for offering the motion to place the stadium/amphitheater project on hold until the new Council takes office on July 1, 2004.

ARMORY/STADIUM-ROANOKE GAS COMPANY: Ms. Angela Norman, 1731 Michael Street, N. W., expressed appreciation to Ms. Wyatt for offering the motion to halt construction of the new stadium/amphitheater until the incoming Council takes office on July 1, 2004.

She requested that Council investigate any means to address escalating gas heating bills for Roanoke's citizens, specifically elderly citizens and those persons living on a fixed income.

COMPLAINTS-CITY GOVERNMENT-CITY EMPLOYEES: Mr. Robert Gravely, 729 Loudon Avenue, N. W., spoke with regard to the City of Roanoke as a whole and the City's work force.

There being no further business, the Mayor declared the meeting adjourned at 7:30 p.m.

APPROVED

ATTEST:

**Mary F. Parker
City Clerk**

**Ralph K. Smith
Mayor**
